Remarks

This Response is provided in response to a non-final Office Action mailed June 17, 2004. The Office Action rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by prior art.

The Applicant has provided an amendment to claim 1, and has added new claims 2-20. The hereinabove amendment to claim 1: is believed to be proper; does not introduce new matter; has been made to more particularly point out and distinctly claim the subject matter the Applicant regards as his invention; has not been made in response to a prior art rejection; broadens the scope of the claim; and further serves to place the application in proper condition for reconsideration and allowance.

Support for new claims 2-20 may be found with reference to Figs. 1, 2, and 5; and the discussion of Figs. 1, 2, and 5 beginning at paragraph 23 of page 6 and continuing through paragraph 40 of page 12.

Objections to the Specification

Title (1a)

To obviate the objection by the Examiner to the title, the Applicant has included system claims to the application.

Specification (1b-1e)

(1b) In response to the objection by the Examiner to paragraph [0024] of the specification, the Applicant has provided amendments to paragraph [0024].

(1c) In response to the objection by the Examiner to paragraph [0029] of the specification, the Applicant has amended FIG. 2 of the drawing to show sign number 12.

(1d) In response to the objection by the Examiner to paragraph [0031], the Applicant has amended FIG. 2 to show sign number 33.

(1e) In response to the objection by the Examiner to paragraph [0034], the Applicant has amended FIG. 3 to change the term "WMT" of sign number 52 to "WMS."

Objections to the Drawings

FIG. 1

In response to the objection by the Examiner to FIG. 1, the Applicant has amended FIG. 1 to overcome the objection, and requests withdrawal of the objection to FIG. 1.

FIGS. 1, 5, 6, and 8

In response to the objection by the Examiner to FIGS. 1, 5, 6, and 8, the Applicant has provided appropriate amendments to each said drawing, and requests withdrawal of the objection to FIGS. 1, 5, 6, and 8.

Rejection of Claim 1 Under 35 U.S.C. §102(e)

The Office Action rejected claim 1 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,567,814 issued to John Duncan Bankier et al., May 20, 2003 (Bankier '814).

The Applicant respectfully traverses the foregoing rejection and submits that the claimed invention as amended is, under 35 U.S.C. §102(e), patentable over Bankier '814, because every element of the claimed invention is not identically shown in Bankier '814. "For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be identically shown in a single reference." *See, In re Bond,* 15 USPQ2d 1566, 1567 (Fed. Cir. 1990), quoting *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988).

Bankier '814 fails to show the first and second elements of claim 1, i.e., "arranging a plurality of first analyzer modules in a network, *each first analyzer module concurrently communicating with a number of distinct network devices* and operated in a parent-child relationship with a second analyzer module, *wherein each distinct network device is configured to interact with a predetermined data type*;" and "*collecting attribute information associated with the predetermined data type* corresponding to each associated distinct network device *while said corresponding predetermined data type undergoes transfer by a server of the network to nodes on the network.*" Bankier '814 shows "A method of extracting knowledge from a database containing records of information, comprising: (a) defining a process plan comprising a plurality of components each adapted

to perform a designated function upon said records, said plurality of components being interconnected by a plurality of links representing a transfer of records from an output of a first component to an input of a second component." (See lines 34-41, col. 31)

Bankier '814 further shows "Notably, those of ordinary skill in the art will appreciate that the process could involve iterations through these basic stages with potential backtracking from any stage to any previous stage. In addition, stages could be repeated, for example the output from a data-mining algorithm may feed into the input of another. The iterative and repetitive nature of the overall process is represented in FIG. 3 by the network 48 of interconnections between the various stages. As will hereinafter be described in further detail, one aspect of the present invention involves providing intermediate caches of processed data in order to enhance the efficiency of KD process 30 despite the possibility for such backtracking and/or iteration." (See lines 8-20 of column 8 describing FIG. 3).

In particular, Bankier '814 is silent with regard to the claim limitations of: each first analyzer module concurrently communicating with a number of distinct network devices; each distinct network device configured to interact with a predetermined data type; and collecting attribute information associated with the predetermined data type while said corresponding predetermined data type undergoes transfer by a server of the network to nodes on the network.

Because Bankier '814 fails to identically show each element of the invention claimed by claim 1, the Examiner fails to provide a prima facie showing of anticipation under 35 U.S.C. §102(e) of claim 1. Accordingly, the Applicant requests withdrawal of the rejection of claim 1 and passage of claim 1 to allowance.

Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the non-final Office Action mailed June 17, 2004.

Should any questions arise concerning this response, the Examiner is invited to contact the below listed Attorneys.

Respectfully submitted,

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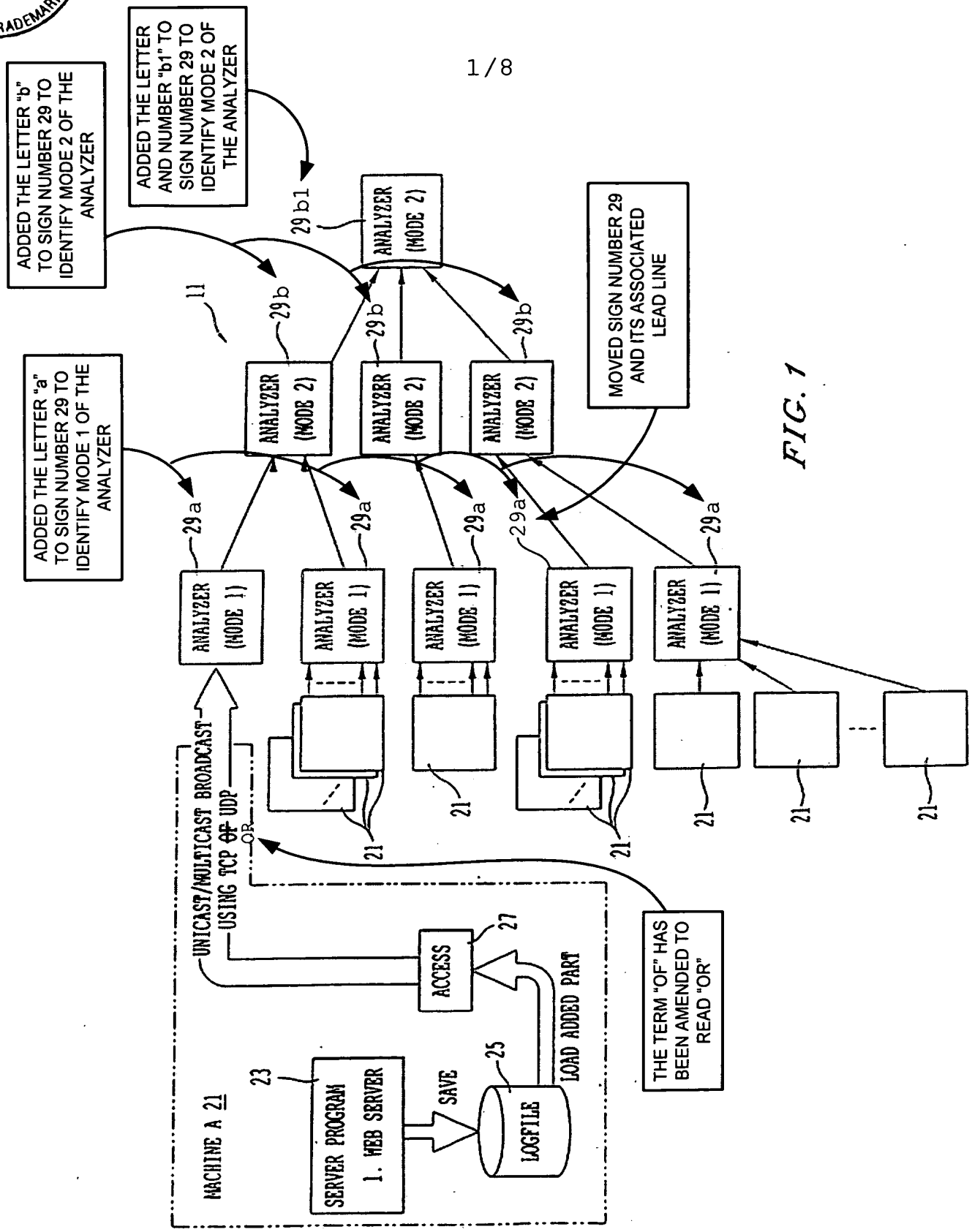

FIG. 1

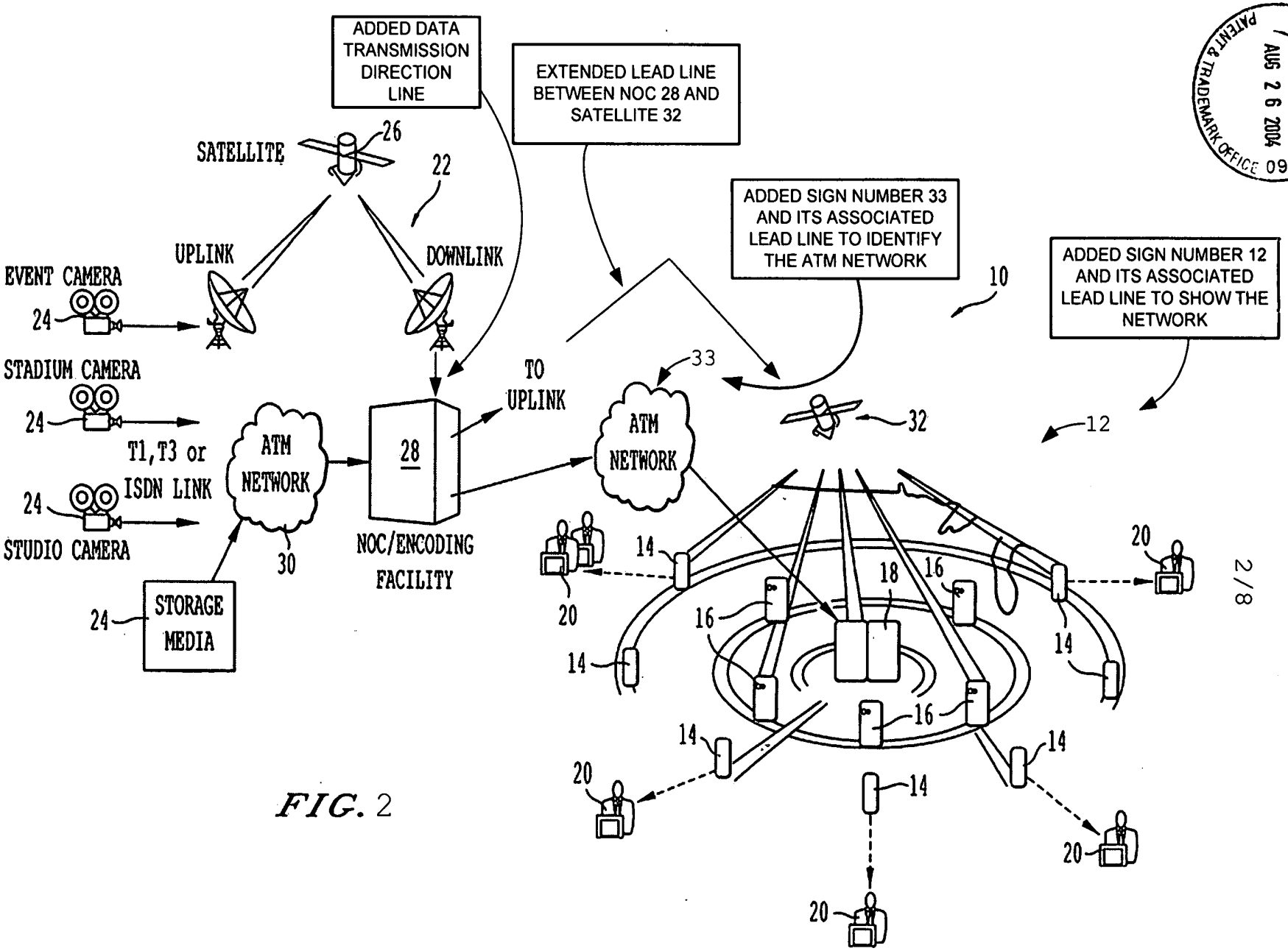

FIG. 2

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Annotated Sheet 2 Showing Changes

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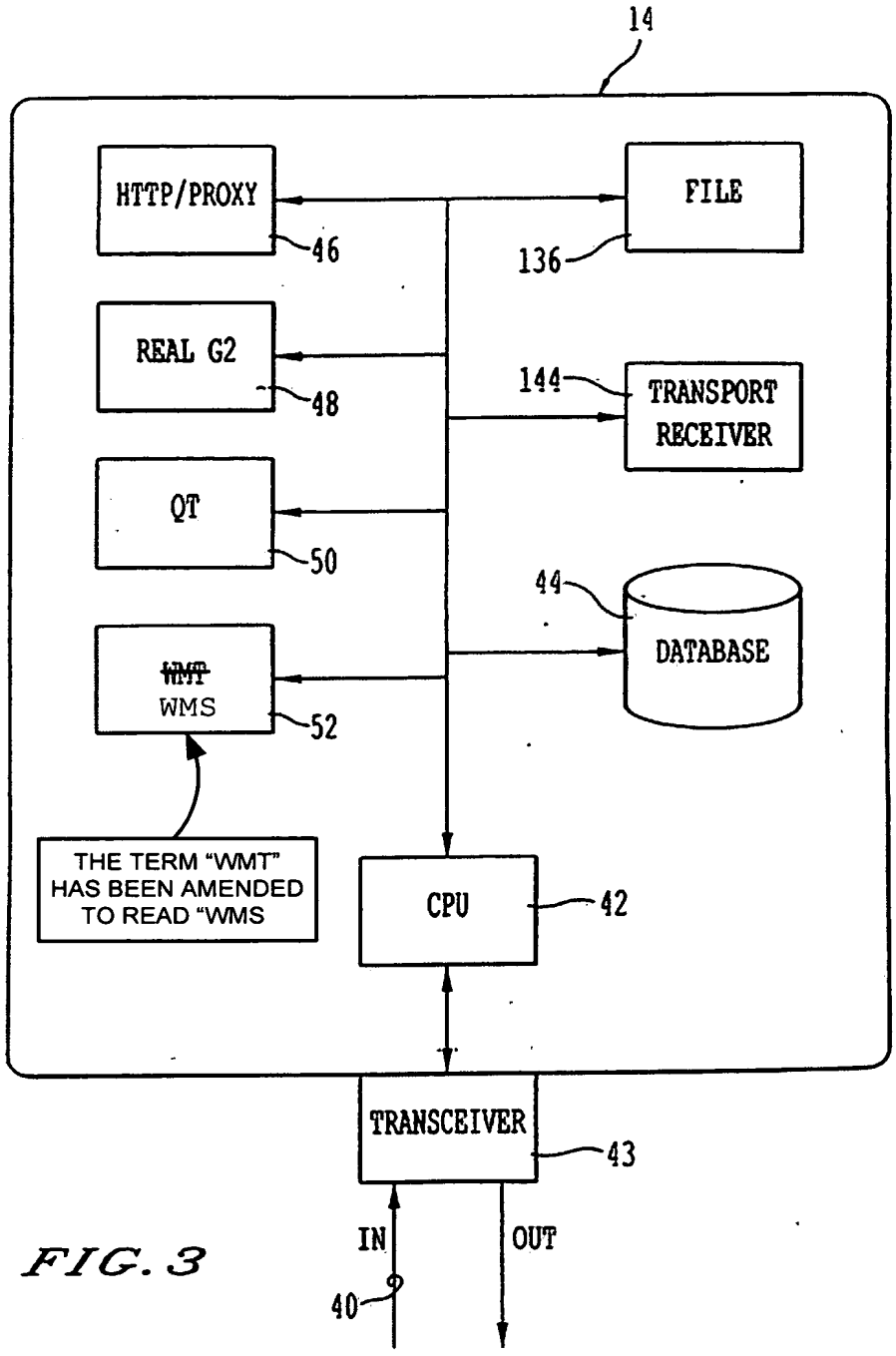

FIG. 3

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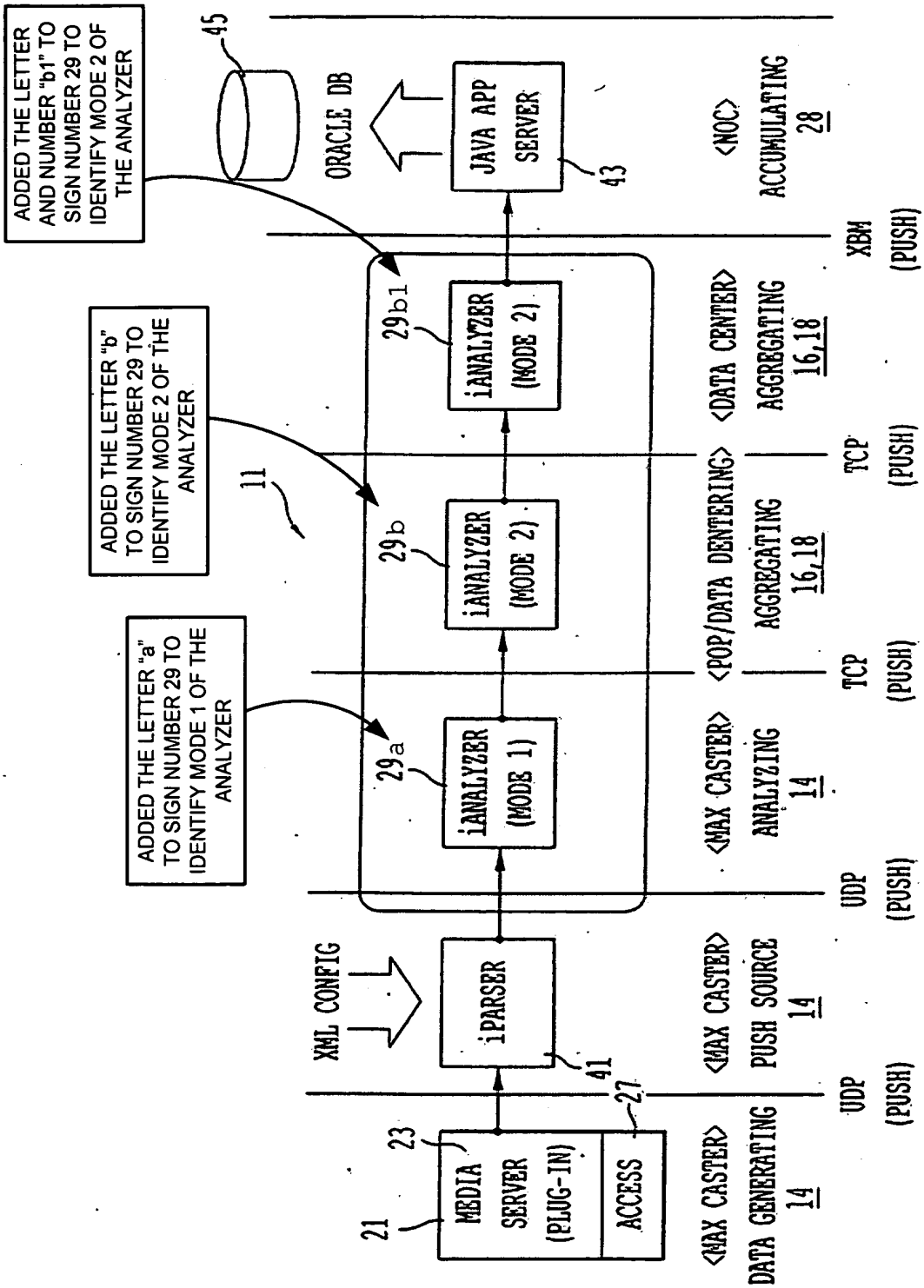

FIG. 5

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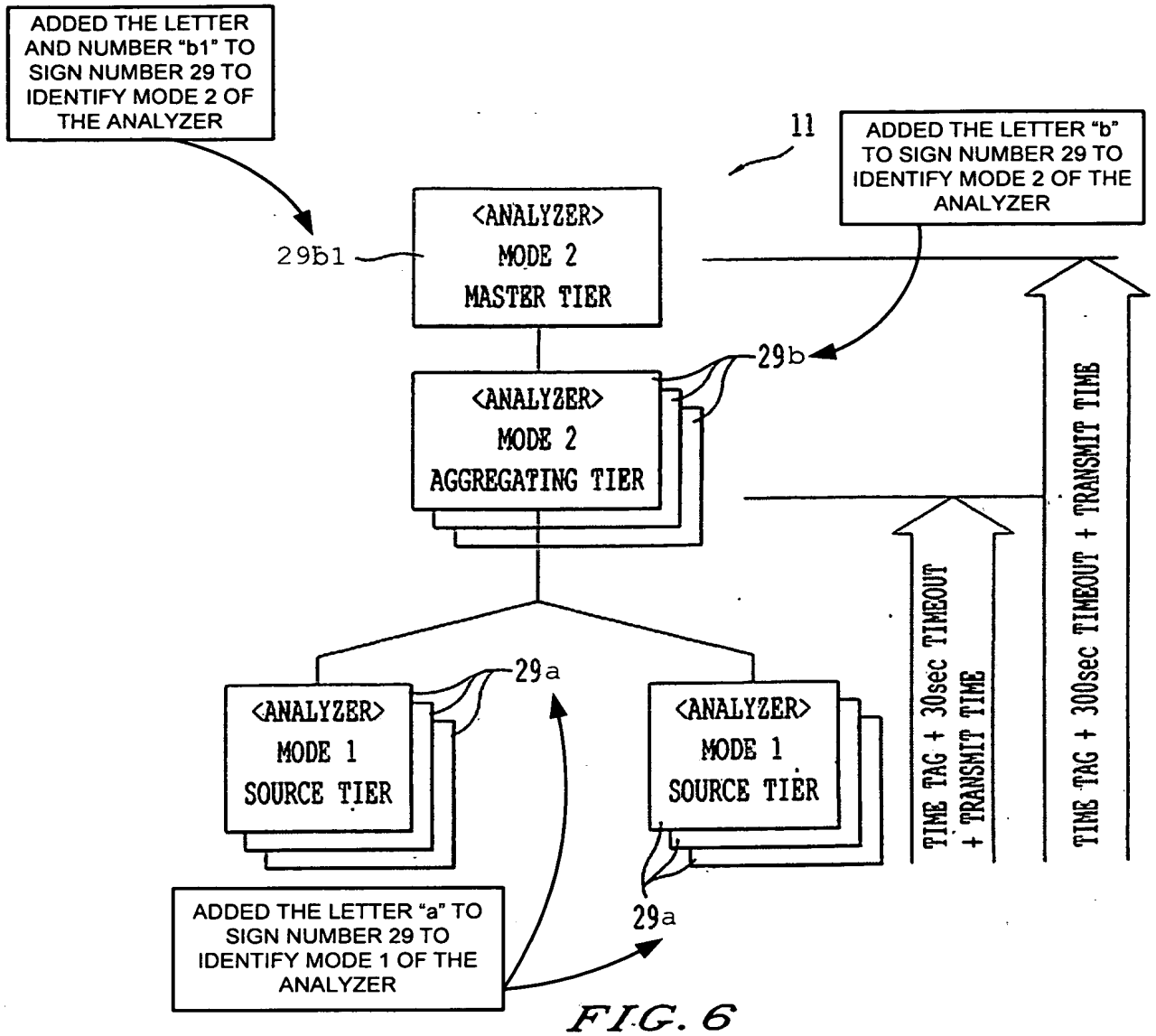

FIG. 6

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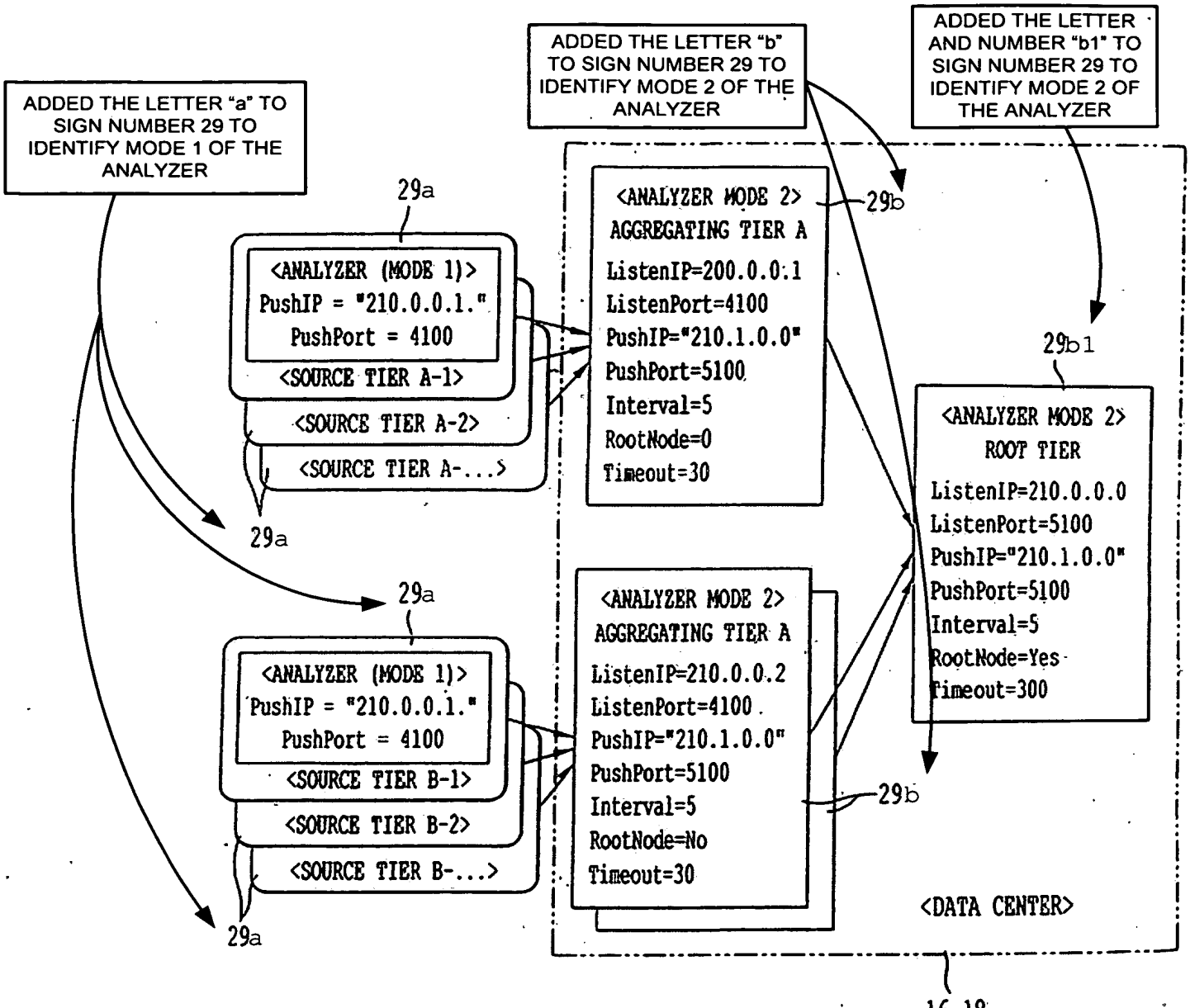

FIG. 8